

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

JUL 13 - 2 05  
# 05-10467-RWZ

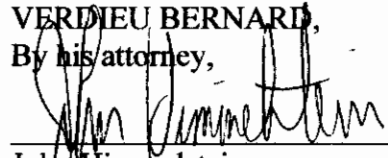
MATTER OF:  
VERDIEU BERNARD, PETITIONER

MOTION TO VACATE DISMISSAL

Now comes the petitioner Verdieu Bernard and hereby moves that the dismissal order of June 28, 2005 be vacate for the following reasons:

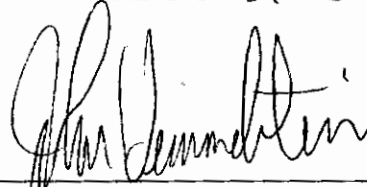
- (1) The order of March 17, 2005 was never received by petitioner's counsel and he did not become aware of same until June 28, 2005;
- (2) An amended pleading in compliance with Judge Zabel's order of June 28, 2005 is attached hereto.

VERDIEU BERNARD,  
By his attorney,

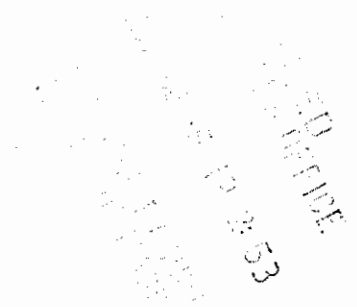
  
John Himmelstein  
929 Massachusetts Avenue  
Suite 01  
Cambridge, MA 02139  
(617) 868-2533  
BBO# 547275

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that he has provided notice to opposing counsel by mailing copies of all of the attached documents, postage prepaid, to Francis Crowley, Esq., P.O. Box 8728, Boston, MA 02114 on AUGUST 3, 2005.

A handwritten signature in black ink, appearing to read "John Himmelstein", written over a horizontal line.

JOHN HIMMELSTEIN, ESQ.

A faint, circular postmark stamp, likely from a post office, containing text that is mostly illegible but appears to include "MA 02114".